

Application No. 10/673769
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Amendment
Attorney Docket No. 011.2B-11338-US01

Amendments To The Drawings:

None

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Remarks

This Amendment is in response to the Office Action dated February 15, 2006. A full three month extension is required and requested.

Applicant affirms its election to prosecute the invention of Group I, namely claims 1-7. The non-elected claims have been canceled and may be raised in a later filed divisional application.

Support for the features of a particle size of the thermal spray powder recited in claim 1 can be found in the specification at page 4, lines 2-24. Support for newly added claim 11 can be found in original claim 8. We believe that no new matter has been added.

Claims 1-7 - §102(b) Masanori JP 55044515

Claims 1-7 were rejected as being anticipated by Masanori, Japanese Publication No. 55044515.

The features of claim 1, as amended, are that the percentage of particles having a particle size of 5 μm or smaller contained in the thermal spray powder is no more than 5% and that the percentage of particles having a particle size of 75 μm or larger contained in the thermal spray powder is no more than 5%. The Masanori reference patent is silent as to this limitation and therefore neither anticipates nor makes obvious any of the claims.

Claims 1-2 and 5 - §102(b) Rao et al. U.S. Patent 5,302,450

Claims 1-2 and 5 were rejected as being anticipated by Rao et al., U.S. Patent 5,302,450 (450).

The features of claim 1, as amended, are that the percentage of particles having a particle size of 5 μm or smaller contained in the thermal spray powder is no more than 5% and

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that the percentage of particles having a particle size of 75 μm or larger contained in the thermal spray powder is no more than 5%. The '450 patent is silent as to this limitation and therefore neither anticipates nor makes obvious any of the claims.

Claims 1-2 and 5 - §102(b) Rao et al. U.S. Patent 3,659,861

Claims 1-2 and 5 were rejected as being anticipated by Rao et al., U.S. Patent 3,659,861 ('861).

The features of claim 1, as amended, are that the percentage of particles having a particle size of 5 μm or smaller contained in the thermal spray powder is no more than 5% and that the percentage of particles having a particle size of 75 μm or larger contained in the thermal spray powder is no more than 5%. The '861 patent is silent as to this limitation and therefore neither anticipates nor makes obvious any of the claims.

Claims 1-7 - §102(e) - Fiala et al., U.S. Patent 6,887,530

Claims 1-7 were rejected as being anticipated by Fiala et al., U.S. Patent 6,887,530 ('530).

The features of claim 1, as amended, are that the percentage of particles having a particle size of 5 μm or smaller contained in the thermal spray powder is no more than 5% and that the percentage of particles having a particle size of 75 μm or larger contained in the thermal spray powder is no more than 5%. The '530 patent is silent as to this limitation and therefore neither anticipates nor makes obvious any of the claims.

Claims 3-4 and 6-7 - §103(a) - Rao et al. v/ Fiala et al.

Claims 3-4 and 6-7 were rejected as being obvious over Rao et al., U.S. Patent 5,302,450 ('450) in view of Fiala et al., U.S. Patent 6,887,530 ('530).

The features of claim 1, as amended, are that the percentage of particles having a particle size of 5 μm or smaller contained in the thermal spray powder is no more than 5% and that the percentage of particles having a particle size of 75 μm or larger contained in the thermal spray powder is no more than 5%. The '450 and '530 patents are silent as to this limitation.

There is nothing in the cited art that would make any of the claims obvious over these references.

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Claims 3-4 and 6-7 - §103(a) – Rao et al. U.S. Patent 3,659,861

Claims 3-4 and 6-7 were rejected as being obvious over Rao et al., U.S. Patent 3,659,861 ('861).

The features of claim 1, as amended, are that the percentage of particles having a particle size of 5 μm or smaller contained in the thermal spray powder is no more than 5% and that the percentage of particles having a particle size of 75 μm or larger contained in the thermal spray powder is no more than 5%. The '861 patents are silent as to this limitation. There is nothing in the cited art that would make any of the claims obvious over the Rao reference alone or in combination with any of the other references.

Claims 1-7 - §103(a) – Kunda GB 1,450,376

Claims 1-7 were rejected as being obvious over Kunda, Great Britain Patent No. 1,450,376 ('376).

The features of claim 1, as amended, are that the percentage of particles having a particle size of 5 μm or smaller contained in the thermal spray powder is no more than 5% and that the percentage of particles having a particle size of 75 μm or larger contained in the thermal spray powder is no more than 5%. The Kunda '376 patent is silent as to this limitation. There is nothing in the cited art that would make any of the claims obvious over the Kunda '376 reference alone or in combination with any of the other references.

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Conclusion

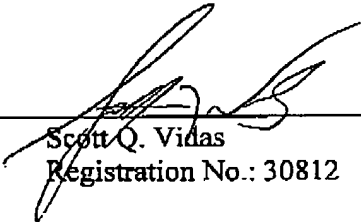
The amendments to claim 1 clearly define over the cited art. Therefore, claim 1 and claims 2-7 and 11, which depend from claim 1, are patentable over the cited references. An early notice to that effect is respectfully requested.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: August 11, 2006

By: _____


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